

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GERALD ALESHIRE,

Plaintiff,

v.

RATHMAN,

Defendant.

Case No. C05-5296FDB

SECOND ORDER TO SHOW
CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. Plaintiff is currently incarcerated at the Monroe Corrections Center, located in Monroe, Washington. To file a complaint and initiate legal proceedings, plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On April 27, 2005, the Clerk received plaintiff's complaint and an application to proceed *in forma pauperis*. (Dkt. #1). On May 9, 2005, the court found plaintiff's application to be deficient in that, while plaintiff signed the second page of his application, he did not provide a date for that signature. (Dkt. #3) The court ordered plaintiff to cure this deficiency by filing no later than June 9, 2005, another completed copy of the application to proceed *in forma pauperis* form containing both his signature and a date for that

signature. On May 20, 2005, plaintiff provided a copy of the first page of the application, but not a signed and dated second page. (Dkt. #4).

Plaintiff's application to proceed *in forma pauperis*, therefore, remains deficient. Nevertheless, the court shall grant plaintiff one more opportunity to cure the deficiency in his application. In addition, the court notes that plaintiff has supplied the court with an older version of the acknowledgment and authorization form, which references the previous \$150.00 court filing fee. The court filing fee is now \$250.00. Thus, the court shall direct the clerk to send plaintiff a new acknowledgment and authorization form for him to also complete, sign and return by the date set forth below.


Accordingly, this Court orders the following:

- (1) Plaintiff shall seek to cure these deficiencies by filing **no later than July 27, 2005**, (a) another completed copy of the application to proceed *in forma pauperis* form containing both his signature and a date for that signature; and (b) a new acknowledgment and authorization form referencing the \$250.00 court filing fee.

Failure to cure these deficiencies as indicated herein by the above date shall be deemed a failure to properly prosecute this matter and the Court will recommend dismissal of this matter.

- (2) The Clerk is directed to send a copy of this Order to plaintiff, along with copies of the appropriate *in forma pauperis* application and acknowledgment and authorization forms.

DATED this 27th day of June, 2005.



Karen L. Strombom
United States Magistrate Judge